

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OTIS ALVIN HOLFORD,

Defendant.

8:02CR424

ORDER

Defendant Otis Alvin Holford appeared before the court on Wednesday, May 10, 2006 on a Petition for Warrant or Summons for Offender Under Supervision [33] and an Amended Petition for Warrant or Summons for Offender Under Supervision [37]. The defendant was represented by Assistant Federal Public Defender David M. O'Neill, and the United States was represented by Assistant U.S. Attorney Russell X. Mayer. The government moved to dismiss the Petition for Warrant or Summons for Offender Under Supervision [33]. The motion was granted and the hearing proceeded on the amended petition [37] only. Through his counsel, the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. Through counsel, the defendant presented evidence in a form of a proffer. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Judge Bataillon.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No.3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **May 31, 2006 at 1:00 p.m.** Defendant must be present in person.

2 The defendant, Otis Alvin Holford, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 11th day of May, 2006.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge